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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,462

02/24/2004

Michael Edward Thornton

THORNTON.UTL

8571

21590

7590

03/25/2005

GREG O'BRADOVICH, P.C.

295 CULVER STREET

SUITE A

LAWERENCEVILLE, GA 30045

EXAMINER

PATEL, DHIRUBHAI R

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/785,462

Applicant(s)

THORNTON ET AL.

Examiner

DHIRU R. PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>SKETCH A</u>                           |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities:

Claim 2 filed on 12/13/04 does not match with claim 2 filed on 2/24/04. The examiner consider claim 2 as original filed. It is noted that the status of claim 2 is original as filed on 12/13/04.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under

37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-4 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over M. J. Lewis (1,966,301) in view of Medlin (5,405,111).

M. J. Lewis discloses:

Regarding claim 1, an electric meter box connection apparatus (see entire column 1 and column 2) for connection to a dwelling having walls that include several internal elongated studs in a parallel arrangement and generally vertically arranged, the apparatus comprising:

an electric meter box (see entire column 1 and column 2) having a meter base and a meter connected to the meter base (see sketch A); a meter base bracket having a generally planar surface (see sketch A) and a first generally rectangular side wall 24 connected generally perpendicular to a first side of the planar surface and a second generally rectangular side wall 24 connected to a side opposite for the first side and in a generally parallel orientation to the first rectangular side wall (see sketch A), wherein the meter base bracket is connected to a rear wall of the meter base (see fig 5), but fails to disclose one of the side walls being connected to a first one of the studs and the other of the side walls being connected to a second stud adjacent and parallel the first stud,

the side walls further being directed inward the dwelling. Medlin teaches the use of a bracket 10 with mounting holes 48a,-48c and fasteners to mount said bracket between a pair of parallel adjacent studs 12 in a skeletal building wall (see column 4 lines 20-60) in order for use in mounting apparatus , particularly outlet boxes, between studs in a building wall (see column 3 lines 1-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide said bracket of the assembly of Lewis with mounting holes and fasteners as taught by Medlin in order for use in mounting apparatus, particularly outlet box, between studs in a building wall.

Regarding claim 2, the modified assembly of Lewis shows all of the claimed features including one or more holes 27 located along the planar surface and aligned with corresponding holes on the rear wall of the meter base (see fig 8).

Regarding claim 3, the modified assembly of Lewis shows all of the claimed features including a feed-through conduit located on the planar surface and adapted to receive wires connected between the meter and an interior location on a dwelling (see column 2 lines 56-65 of Lewis).

Regarding claim 4, the modified assembly of Lewis shows all of the claimed features, it is noted that the modified assembly of Lewis meet the structural limitations. Please note that Medlin teaches the use of mounting holes 48a-48c. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any

number of holes, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. In re Harza. 274 F.2d 669, 124 USPQ 378 (CCPA 1955).

***Allowable Subject Matter***

3. Claims 6-12 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reason for the indication of the allowability of claims 6-12 are the inclusion therein, in combination as currently claimed, of the limitation of an electric meter box connection apparatus, comprising: an extension having a generally rectangular hollow housing and a planar front surface and a rear surface wherein the meter base bracket is connected to rear surface of the extension and wherein the front surface of the extension is connected to a rear wall of the meter base (for claims 6-7 ), and the apparatus comprising: a meter base bracket having a lower bracket portion in a telescopic arrangement with an upper bracket portion (for claims 8-12).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Arguments***

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

**Contact information**

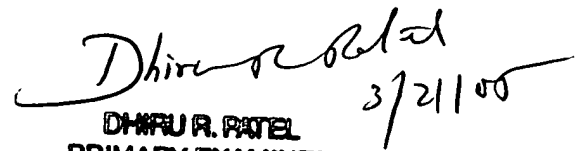
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is 571-272-1983. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on 571-272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Dhiru Patel  
Primary Examiner  
Group Art Unit 2831

  
DHIRU R. PATEL  
PRIMARY EXAMINER  
3/21/00